

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

716Q0410

## SENATE TRANSPORTATION ENGROSSED NO. **SB 119** - 2/4/2009

Introduced by: Senators Maher, Bradford, Hansen (Tom), Hanson (Gary), Hunhoff (Jean),  
Novstrup (Al), Olson (Russell), and Rhoden and Representatives Brunner,  
Feickert, Juhnke, Lederman, Lucas, Nygaard, Olson (Betty), Schrempp, and  
Wink

1 FOR AN ACT ENTITLED, An Act to revise the authority of the state, counties, and townships  
2 to transfer highway right-of-ways under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 31-19 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 In addition to the provisions of § 31-19-63, the Department of Transportation, board of  
7 county commissioners, or township board of supervisors may convey and transfer any highway  
8 right-of-way under the department's or board's jurisdiction to the federal government or to any  
9 Indian tribe without requiring payment therefor. The conveyance shall be made only after  
10 mutual agreement between the state, county, or township and the federal government or the  
11 Indian tribe. Each conveyance and transfer shall be held by the federal government or the Indian  
12 tribe for public highway purposes.

13 Section 2. That § 31-19-63 be amended to read as follows:



1        31-19-63. The state, by and through the Department of Transportation ~~shall have the~~  
2 ~~authority to~~ may convey and transfer any highway right-of-way ~~which is now or may hereafter~~  
3 ~~be held by the state to a political subdivision and such the~~ political subdivisions ~~shall have such~~  
4 ~~authority to~~ may convey and transfer such highway rights-of-way to the state or to each other  
5 without requiring payment therefor. Each conveyance ~~as provided for herein~~ shall be made only  
6 after mutual agreement between the grantor and grantee. ~~Provided, that such conveyances and~~  
7 ~~transfers~~ Each conveyance and transfer shall be held by the grantee for public highway purposes.

8        Section 3. That § 31-19-64 be amended to read as follows:

9        31-19-64. ~~Whenever~~ If the Department of Transportation or the governing body of a political  
10 subdivision of this state ~~now or hereafter~~ holding public highway right-of-way deems it  
11 advisable and to the best interest of the public to convey such right-of-way as provided in § 31-  
12 19-63 or section 1 of this Act, it shall by executive order or resolution direct that ~~said the~~  
13 property be so conveyed and transferred. Thereupon a deed of conveyance shall be made to the  
14 grantee, which deed shall vest in the grantee therein all the interest of the grantor in and to the  
15 right-of-way so conveyed.